United States Department of the Interior

FISH AND WILDLIFE SERVICE
1875 Century Boulevard
Atlanta, Georgia 30345

March 17, 2000

In Reply
Refer To: FWS/R4/RD

Major General Philip R. Anderson
Division Engineer
Mississippi Valley Division
Corps of Engineers
P.O. Box 80
Vicksburg, Mississippi 39181-0080

Dear General Anderson:

Recent developments associated with the ongoing planning of the Yazoo Backwater Project have prompted me to write this letter. The developments to which I refer include the recent release of Dr. Shabman's report and a related letter from EPA to the Delta Council dated March 13. My purpose in writing is basically two-fold. First, as is often the case in controversial issues, there is a need to clarify concerns, goals, and objectives. Secondly, I want to offer my assessment of where the plan formulation process stands and thoughts on how we might best move forward.

Since the earliest stages of the current reformulation effort, the Service has gone to considerable lengths to explain its objectives regarding the Yazoo Pumps Project. On one hand, understanding our position and posture would require that we recount a history of involvement under the Fish and Wildlife Coordination Act that dates back to 1946. But, in the interest of brevity, I can reduce our concerns to three statements:

1. *The largely federally financed development of land and water resources within the Yazoo Backwater Area has moved beyond the point of economic and ecological sustainability.*

2. *Land use and land capability within the Yazoo Backwater Area are significantly and substantially misaligned as a consequence of the imbalance between agricultural expansion and wetland conservation.*

3. *In terms of policy, purpose, and result, the ongoing implementation of the MR&T Project does not reflect the "sense of the Nation" regarding wetland conservation, wise and appropriate uses of floodplains, or air and water quality improvement.*

In their bare essence, these statements may appear harsh. They do, however, reflect fundamental concern with our historic approach to development of the Nation's largest floodplain. But when translated into a goal, they are less an indictment of the past than a call for change in the future direction of flood control in the Lower Mississippi Valley. In that regard, our comprehensive planning goal for the Yazoo Backwater Area is this:

> *Implementation of a Federal water resource development project under the authority of the Mississippi Rivers &Tributaries Project that will provide a water and related land resource base sufficient to support economically and ecologically sustainable development; result in a substantial realignment of land use with land capability; and, in terms of policy, purpose, and result, reflect "new directions" in the MR&T approach to floodplain management, wetland conservation, and air and water quality improvement.*

Despite the depth of these concerns and the breadth of this goal, the Service position has been characterized superficially as one of supporting a pump rather than supporting a non-structural approach. On reflection, this superficiality probably stems from two aspects of our position that may not be shared by all stakeholders. *First, explicit to our goal is the need for affirmative action to enhance the environmental and economic resources of the Yazoo Basin.* Our concerns cannot be met by reaching an impasse and living with the projected without-project condition. The Fish and Wildlife Service desires and expects a project that reflects a fundamental change in the historic direction of flood control in the Lower Mississippi Valley. An economically as well as environmentally sustainable Delta will not be achievable otherwise. *Second, achieving our goal and addressing our concerns neither requires nor precludes a pump.* Unlike channelization of the Big Sunflower, the *construction* impacts associated with a pumping plant are largely inconsequential in a basin-wide context. Thus questions of environmentally sustainability hinge more on the nature of the project's non-structural component and the operation of its structural component than on the presence or absence of structural measures. I am sure you will recall from our earliest meetings, my concern for the need to depart from the traditional structural-only approach to flood control in which ecological sustainability is reduced to a question of mitigation. Instead it is time to move toward a new paradigm in which separable, viable non-structural features become part and parcel to the MR&T Project. In a March 22, 1999, letter to the Vicksburg District, my staff defined our view of what constitutes separable, non-structural features and contrasted them with traditional mitigation measures. Inherent in the Service's goal is a lack of prejudice for or against a pump and an insistence on precedent-setting non-structural measures.

As we have discussed often, the Service's support for a combined structural/non-structural alternative is contingent upon a complete and thorough analysis of a wholly non-structural

alternative sufficient to withstand the closest scrutiny. That premise was basic to the Service's December 15, 1999, letter to your Vicksburg District staff:

> "As the Service has indicated previously, we recommend that the final array of alternatives include a purely non-structural alternative and a combination structural/non-structural alternative. As to the non-structural alternative, we recommend that the specific project features be identified by the Environmental Protection Agency, Region IV in consultation with the Vicksburg District on the basis of the extensive, but as yet unpublished analysis conducted for EPA by Dr. Leonard Shabman, Virginia Tech University. In the absence of input from EPA, we recommend that the Corps analyze the non-structural alternative that they believe most effectively addresses flood damages through non-structural measures with an emphasis on restoration of agricultural lands inundated by the two-year frequency event and various flood-proofing/relocation options for dealing with non-agricultural damages above the two-year event."

In their March 13, 2000, letter to the Delta Council, the EPA reaffirmed the Service's recommendation by emphasizing their continued support for a "...full evaluation of a non-structural comprehensive watershed alternative...". In their view, Dr. Shabman's findings substantiate that a non-structural approach is both warranted and justified. However, as acknowledged by Dr. Shabman, the report sets forth "an approach" and not an implementable alternative. Thus the challenge we now face is the formulation of such an alternative. On the surface, this would
appear to be a daunting task; however, we have already conceptually agreed upon the most critical component, that being a 2-year event non-structural flood damage reduction zone.

As to the substantive issues, they are on one hand as deeply rooted as the local communities that have looked to the federal government as the chief source and provider of the flood control upon which their survival in some measure depends. While on the other hand, the issues that divide are as real and fundamental as the concern that the federal, publicly financed flood control/drainage programs and policies have been instrumental in transforming the Nation's largest and most social, economic, and environmental standards. As is the case in most public debates waged in a democratic forum, there is truth on both sides.

Two of the most substantive issues are encapsulated in Dr. Shabman's report. Recognizing that the Corps has yet to evaluate the report, it is my view that Shabman and Zepp present a clear and compelling argument for including reforestation as an NED-justified non-structural flood control measure on the basis of carbon sequestration and nitrification benefits. He also calls into question the NED justification for pumps. While we are inclined to agree with many of the

projections and assumptions in the report, the Service has no mandate for entering the debate over NED methods and assumptions regarding agricultural economics. In our view, the Delta has become the unsustainable landscape it is today, due in many respects to a singular focus on agricultural economic concerns and efficiencies. In this regard, the Service will address economics only within the broadest and most fundamental sense, the balance between environmental and economic sustainability.

I would like to make the point that in my view much of the Yazoo Pump controversy is a function of continuing, widespread concern over the Big Sunflower River maintenance project and an MR&T program that maintains a singular focus on flood *control* in the strictest sense. As to the Big Sunflower, superimposing a non-structural flood damage reduction zone of over three hundred thousand acres at the river's outlet (irrespective of whether a pump is included) would seem to indicate that the extent of channel work associated with the Big Sunflower be reassessed. I understand the temporal and programmatic separateness of the two projects, but hydrologically they are intertwined, and the solution for one should consider the solution for the other.

In closing, I believe that the public interest in the development of the Nation's largest floodplain can be most broadly served only by a comprehensive, environmentally-focused review of the Mississippi River and Tributaries Project. Toward that end, I am committed to working with you to achieve authorization for such a review, one that broaches the purpose of the MR&T program to include environmental restoration and charts a path for the Corps program in achieving sustainable development. In the interim, the Service will maintain its active involvement in the Yazoo Backwater Project with a posture that is prejudiced neither for nor against a pumping plant and is focused on the implementation of non-structural flood control measures that will mark the beginning of "new directions" for the Mississippi River and Tributaries Project.

Sincerely yours,

Signed

Sam D. Hamilton
Regional Director